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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,917	06/21/2006	Jorma Hyvonen	3501-1117	5070

466 7590 01/30/2007
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EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/583,917	HYVONEN ET AL.	
	Examiner	Art Unit	
	Shelley Self	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/06; 6/21/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *integral whole* (clm. 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

The IDS submitted on September 25, 2006 contains a duplicated reference, 5,816,299 (Matthews et al.) this references was submitted on the IDS filed June 21, 2006.

Specification

The specification is objected to under 37 CFR 1.71, the specification should be written in such clear and concise form and include a written description of the invention or discovery and the manner and process of making and using the same so as to enable any person skilled in that art or science to which the invention or discovery appertains, or with which it is most nearly connected to make and use the same. The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old.

Regarding the specification pg. 1, line 3, reference to the “preamble of claim 1” does not meet the requirements of the specification as set forth in 37 CFR 1.71. Furthermore, claim 1 has been cancelled therefore a clear understanding of what is meant by the recitation, “...according to the preamble of claim 1” cannot be gleaned. Clarification is required, Examiner suggests clearly setting forth that for which a patent is being sought, i.e. clear, concise definition of the invention within the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 12-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 12, lines 13-16 are unclear. It is unclear what is meant by, “...substantially each movement path tangent generated at a lower edge in the guide bar of the

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chain or at an outer track on the side of the saw casing in the chain wheel being arranged to..."

First, no pluralities of movement paths have been positively recited; therefore it is unclear what are the movement paths recited as "each movement path". Second, tangent to what? And what is tangent? Additionally the terms, "lattice-like" and "however" render the claims indefinite. What is lattice-like? Are the strips in the form of a lattice structure or not? The recitation, "however" reads more in the form of an abstract as opposed to a proper apparatus claim.

Similarly claim 14, is rejected, i.e., what is tangent?

With regard to claim 15, what is "cover-like" is this construction different from the "lattice-like" structure recited in claim 12? If so how? The drawings fail to illustrate any differentiation. Clarification is required.

With regard to claim 19, there is no antecedent basis for the recitation, "the protective structure", further what is the integral whole and how does it relate to the positively recited elements? Clarification is required.

Claim Rejections - 35 USC § 103

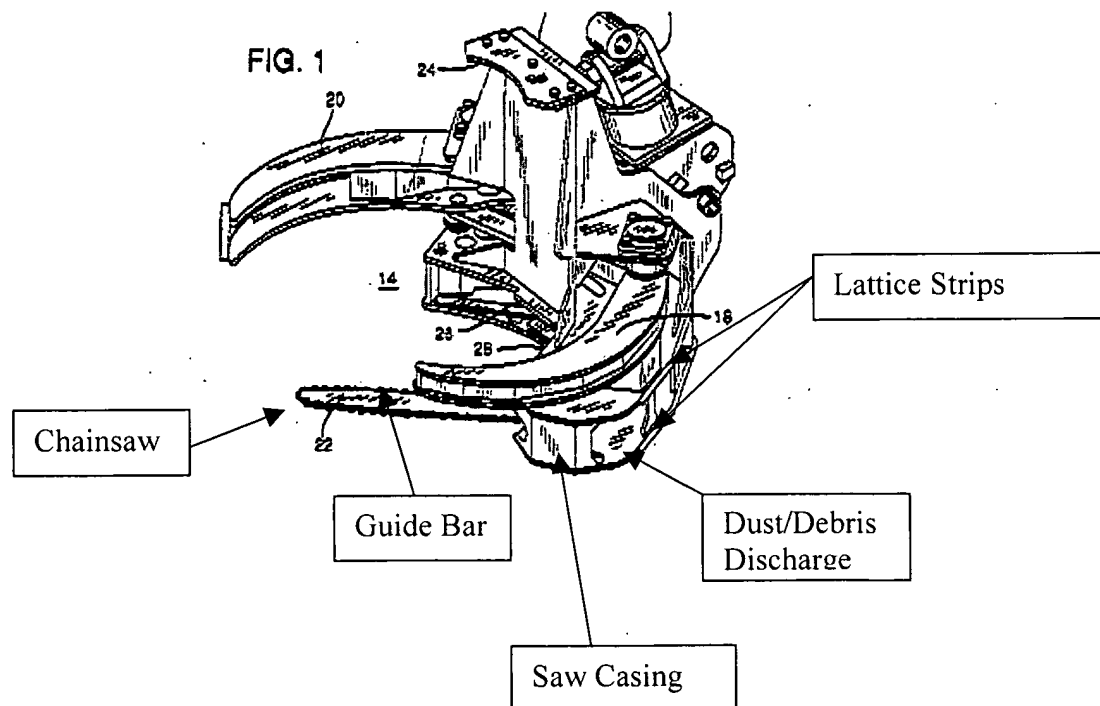
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-20 as best as can be understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiener et al. (5,267,594) in view of Seigneur (5,065,224). With regard to claims 12-15, Wiener discloses an arrangement in connection with a crosscutting saw of a

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harvester, a harvester head therein comprising a saw casing (fig. 1), a chainsaw (fig. 1), a chain wheel arranged therein a rotation manner, a guide bar (fig. 1), the saw casing comprising strips (fig. 1) on a cutting plane substantially flush with a rotational plane of a chain of the chainsaw in such a manner that their longitudinal axis is substantially parallel to the rotational axis of the chain wheel, wherein the strips are arranged to provide a "lattice-like" structure in the saw casing, the structure extending at least over the rotation plane of the chain of the chainsaw, such that the strips are arranged in the saw casing in such a manner that at least one gap deviation from a movement path remains between the strips from which sawdust or other impurities flowing to the saw casing during sawing are allowed to be discharged from the saw casing.



As to the chain wheel, Examiner notes, that Wieneri inherently discloses such structure to facilitate operation of the chain in a rotational manner about the guide bar.

In the invent inherency of such structure is not clear, Seigneur teaches in a closely related art a harvesting head having a chainsaw including a guide bar, chain and chain wheel about which the chain is driven in a rotational manner about the guide bar so as to facilitate efficient cutting/sawing using the chainsaw. Because the references are from a closely related art, and deal with a similar problem, it would have been obvious at the time of the invention to one having ordinary skill in the art to construct or provide Wieneri with a chain wheel so as to facilitate rotational movement of the chain about the guide bar as taught by Seigneur for efficient cutting and sawing using the chainsaw.

With regard to claims 16 and 17 as best as can be understood, Wieneri discloses the strips rigidly fastened as for example by welding.

With regard to claims 18 and 23 as best as can be understood, Wieneri does not disclose wherein the strips are fastened to the saw casing enabling disassembly. It would have been obvious at the time of the invention to one having ordinary skill in the art to construct Wieneri in a manner so to enable disassembly because constructing a formerly integral structure in various elements, i.e. separable involves only routine skill in the art. See *Nerwin v. Erlicnman*, 168 USPQ 177, 179.

With regard to claim 20 as best as can be understood, Wieneri discloses the strips made of the same material as the surrounding saw casing.

With regard to claims 21 and 22 as best as can be understood, Wieneri does not disclose the strips comprised of composite material or elastic coating. It would have been obvious at the

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time of the invention to one having ordinary skill in the art to construct Wieneri of composite material or elastic coating because it is within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design expedients. *See In re Leshin*, 125 USPQ 416.

Furthermore, Examiner notes that the specific selection of one material over that of another has not been defined with any criticality within the specification and such is only a nominal recitation. Therefore the specific selection of a material would result from routine engineering practices and in the absence of any positively recited criticality does not in itself warrant patentability.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lowell Larson can be reached on 571-272-4519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patent Examiner
January 25, 2007